



State of Tennessee Department of Children's Services
Administrative Policies and Procedures: 1.16

Subject: Internal Affairs Investigations

Supersedes: DCS 1.16, 09/01/97; **Local Policy: No**
PCN 31, 06/01/99 **Local Procedures: No**
Training Required: No

Approved by:

Effective date: 09/01/97

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Application

To All Department of Children's Services Employees.

Authority: TCA 37-5-106

Policy

All investigative activities of the Internal Affairs Division shall be specifically authorized by the deputy commissioner/Commissioner and shall be limited to matters relating to the management and operation of the Department of Children's Services. All investigative practices and the information obtained are classified as **Confidential** and shall be treated accordingly.

Procedures

**A. Investigations
and Investigative
Inquiries**

1. A citizen, employee, or child who is in the custody/supervision of the Tennessee Department of Children's Services may request an internal affairs investigation. Once a request is received, a determination will be made by the deputy commissioner/commissioner whether an investigation or an investigative inquiry is appropriate. Only the deputy commissioner/commissioner can authorize, deny, or terminate an investigation by the Internal Affairs Division.
2. An investigative inquiry is a review of the facts associated with an event or situation to determine if a full-scale investigation is warranted or consultation/technical assistance to the requesting authority is necessary. The director of internal affairs may be contacted directly in these

matters.

3. Any employee who receives direct, legitimate or reasonable information concerning a criminal violation or policy violation must submit this information through their chain of command.
4. A request for an internal affairs investigation must be submitted in writing to the deputy commissioner, commissioner or director of internal affairs together with any evidentiary material that would indicate a reasonable suspicion of misconduct or criminal activity. The appropriate assistant commissioner will be apprised of the request by the deputy commissioner/commissioner or director of internal affairs if they have not been informed through the chain of command.
5. Internal Affairs will coordinate all criminal investigative activities, report findings and notify the appropriate jurisdictional authorities as required.

**B. Authorization/
Notification at the
Worksite**

1. When the authorization to investigate a matter is received from the deputy commissioner/commissioner, the director of internal affairs/designee will notify the appropriate superintendent/regional administrator/director of community residential facilities (CRF) and other recognized management officials of the nature of events as known pertaining to the investigation.
2. Upon receiving authorization to investigate a matter, the director of internal affairs/designee will assume full responsibility for coordinating and supervising all aspects of the investigation, including work performed on the investigation by internal affairs liaison officers.
3. Upon request of the director of internal affairs/designee all superintendents, regional administrators, the director of community residential facilities (CRF) and his/her CRF supervisors must provide to the internal affairs investigators immediate access to personnel and other requested resources to assist in authorized investigations.
4. All employees must follow the directives of the internal affairs division pertaining to the specific investigation.

**C. Results of
Investigations**

1. If available, the superintendent/regional administrator/CRF supervisors will be orally apprised of the status of the investigation prior to the investigator's leaving the facility/regional office/worksites unless advised to the contrary by the deputy commissioner/commissioner.

2. Information regarding the investigative report is confidential and may only be discussed additionally with the Office of the General Counsel.
3. Written results of the investigation must be routed through the deputy commissioner/commissioner. A copy of the confidential investigative report with appropriate attachments will be forwarded only to the appropriate assistant commissioner /superintendent/regional administrator /director of CRF and his/her appropriate supervisor for review. Within five working days, the copies of the investigative reports must be returned to the Division of Internal Affairs. A written notification requesting extension of the time limit must be made to the Internal Affairs Director. There must be no reproduction of the report whatsoever. The returned file must include all written findings and subsequent administrative remedies imposed by management officials.
4. Internal Affairs must be contacted and be apprised of all disciplinary proceedings and subsequent hearings arising from all Internal Affairs investigations. If necessary, at level III hearings, testimony may be given by investigators by telephone.
5. The entire original investigative report will remain permanently filed in a secure area in the Division of Internal Affairs. All copies must be properly accounted for and destroyed by internal affairs.

**D. Internal Affairs
Liaison Officers**

1. The director of internal affairs/designee may, with the permission of the deputy commissioner/commissioner, refer an investigative matter to an internal affairs liaison officer. The superintendent of the liaison officer's worksite will specifically authorize all investigative activities conducted by that liaison officer. Investigations will be limited to matters relating to the management and operation of that facility unless the director of internal affairs requests special assignments with the approval of the deputy commissioner/commissioner.
2. All DCS employees acting in internal affairs matters, including the liaison officers must adhere to procedures outlined by the director of internal affairs.
3. All investigations conducted by liaison officers will be documented in a written report including attachments following an approved format as determined by the director of internal affairs. All reports will be sent to the director of internal affairs for review and indexing. The liaison officer shall keep the original report in a confidential and highly

secure location. No disciplinary proceedings arising from an investigation should occur prior to the issuance of a formal investigative report.

E. Background investigations

1. The DCS Internal Affairs Division will coordinate the process whereby background investigations will be conducted on all new DCS employees and other appropriate individuals, including but not limited to, foster/adoptive parents and departmental volunteers consistent with generally approved investigative practice.
2. Form CS-0539, *Release Authorization For Background Investigation*, will be presented to all persons who are applicable for background checks. The form will be retained at the work site to be attached with the results of the fingerprint report. A copy of the form may be provided to the person being investigated if requested.
3. Internal affairs liaison officers will be responsible for conducting a background investigation and fingerprinting of all new employees at the youth development centers and Tennessee Preparatory School.

Forms

CS-0539 Release Authorization For Background Investigation

Collateral Documents

None

Standards

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3-JCRF-3D-05